Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 7. This sheet, which includes only FIG. 7, replaces the prior replacement sheet, which only included FIG. 7, filed on August 3, 2007. In FIG. 7, the word "AFTER" in block 716 has been replaced by the word "ALTER" to be consistent with the description in paragraph [0033] (page 11, line 11 through page 12, line 10) of the originally-filed specification.

Attachment:	Replacement Sheet Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

1. Claims 1-22 are pending. Claims 1, 6, 11, 21, and 22 are independent. Claims 1 and 4-22 have been amended herein. Claims 2 and 3 have been cancelled. New claims 23-26 have been added.

2. The Examiner rejected claims 11-20 under 35 U.S.C. § 102(b) as being anticipated by Esteves et al. (U.S. Patent No. 6,205,129 B1 and hereinafter "Esteves"). Claims 1-10, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Esteves in view of Yun et al. (U.S. Patent No. 7,085,254 B1 and hereinafter "Yun"). Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

Rejections under 35 U.S.C. § 102(b)

3. Claims 11-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Esteves. Applicants have herein amended independent claim 11 to more clearly distinguish the subject matter of such claim from the disclosure of Esteves. For example, claim 11 now expressly recites a method for controlling ***reverse link*** transmissions in a wireless communication network, which method includes transmitting a message to at least one mobile user device instructing the mobile user device(s) to start gating ***reverse link*** transmissions at a specified gating rate. Esteves fails to disclose or suggest such a method.

Esteves discloses a wireless communication system in which a data rate associated with transmission of information from a base station to a mobile station is controlled. (*See* col. 2, lines 18-21.) According to Esteves, the base station transmits data to the mobile station over a forward link either at a variable rate or a fixed rate. (*See* col. 2, lines 21-28.) So long as transmission quality is acceptable, forward link transmission preferably occurs at the variable rate in order to maximize throughput on the forward link. (*See* col. 2, lines 28-31.) The base station monitors reverse link control messages to determine the reverse link signal strength and notifies the mobile station when the reverse link signal is weak. (*See* col. 2, lines 32-36.) Upon receiving such notice, the mobile station attempts to find another base station that can receive stronger reverse link transmissions and thereby operate in the variable rate forward link transmission mode. (*See* col. 2, lines 36-41.) If such other base station cannot be located, the mobile station receives forward link transmissions in the fixed rate mode. (*See* col. 2, lines 44-45.)

To summarize, Esteves discloses a method for controlling forward link transmissions, ***not*** reverse link transmissions. The Examiner argues that claim 11 uses the term "wireless communication device," which could mean either the mobile station or the base station. (*See* Off. Act., p. 7, lines 16-18.) As a result, the Examiner concludes that "reverse link" transmission could be done by either station. (*See* Off. Act., p. 7, lines 18-20.) Applicants strongly disagree. In particular, Applicants submit that persons of ordinary skill in the wireless telecommunications field would readily understand that "reverse link" transmissions are transmissions from a mobile station to a base station and that "forward link" transmissions are transmissions from a base station to a mobile station. The Esteves reference cited by the Examiner supports Applicants' position in this regard. (*See e.g.*, Esteves, col. 1, line 61 through col. 2, line 15.) Therefore, while the term "wireless communication device" is indeed broad enough to mean either the mobile station or the base station, Applicants' express use of the term "reverse link" would guide those of skill in the art to recognize that the claim is referring to transmissions from a mobile station to a base station, not vice versa. Thus, persons skilled in the art would readily understand the claimed step of "transmitting a message to select wireless communication devices to start gating on a reverse link" as meaning transmitting a message to a mobile station instructing the mobile station to start gating mobile station-to-base station (i.e., reverse link) transmissions. As a result, the Examiner's construction of the term "reverse link" as potentially originating from the base station is unreasonable and non-compliant with M.P.E.P. § 2111, which requires the Examiner to give the claims their broadest ***reasonable*** interpretation consistent with the specification.

As detailed above, Esteves discloses only the control of forward link transmissions and does not provide any disclosure regarding controlling reverse link transmissions. As a result, Esteves fails to expressly or inherently disclose each and every limitation of Applicants' claim 11 as is required to support the Examiner's rejection of said claim under 35 U.S.C. § 102. *See* M.P.E.P. § 2131.

Nevertheless, but not for any reason related to patentability, Applicants have herein amended independent claim 11 to clarify that which was already inherently recited, namely, that the method recited in the claim relates to controlling "reverse link" transmissions and that a control message is transmitted to at least one mobile user device to instruct the mobile user device(s) to start gating reverse link (i.e., mobile-to-base station) transmissions. As detailed above and in Applicants' response dated August 3, 2007, Esteves fails to disclose or suggest such a method.

Therefore, based on the foregoing, Esteves does not inherently or expressly disclose each and every element of Applicants' claim 11 as is required for the Examiner to establish that Esteves anticipates Applicants' claim. As a result, Applicants respectfully request that the Examiner withdraw the rejection of claim 11 under 35 U.S.C. § 102(b) and pass claim 11 to allowance.

Regarding claims 12-20, such claims are dependent upon claim 11, which claim has been shown allowable above. Therefore, since claims 12-20 introduce additional subject matter that, when considered in the context of the recitations of claim 11, constitutes patentable subject matter, Applicants submit that the recitations of claims 12-20 are not anticipated by Esteves and respectfully request that claims 12-20 be passed to allowance.

Rejections under 35 U.S.C. § 103(a)

4. Claims 1-10, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Esteves in view of Yun. In particular, the Examiner asserts that Esteves discloses all the elements of independent claims 1, 6, 21, and 22, except for communicating with the base station to establish if a periodicity of reverse link transmissions will be altered depending on the determined quality level. The Examiner asserts that Yun discloses communication between the mobile station and the base station regarding establishing a periodicity of reverse link transmissions and concludes that Applicants' claimed invention is, therefore, obvious. With respect to claims 1, 21, and 22, Applicants have herein amended such claims to more clearly distinguish the recitations thereof from the subject matter resulting from the combination of Esteves and Yun. With respect to claim 6, which claim recites the mobile device's determination of a reverse link gating rate and a particular signaling procedure for

effecting the reverse link gating, Applicants respectfully disagree with the Examiner's obviousness conclusion because, among other things, the combination of Esteves and Yun fails to disclose or suggest mobile determination of the reverse link gating rate and/or the particular signaling scheme recited in claim 6.

With respect to claims 1 and 21, Applicants have amended said claims to require that the mobile user device receive (or be operable to receive in the case of claim 21) a pilot signal for a broadcast channel, measure a strength of the pilot signal to determine a quality level of the broadcast channel (or be operable to do so in the case of claim 21), and communicate with a network element (e.g., base station or network controller) to establish a periodicity of reverse link transmissions based on the determined quality level of the broadcast channel (or be operable to so communicate in the case of claim 21). Support for Applicants' amendments can be found at least in Paragraph [0032] of Applicants' published application. The combination of Esteves and Yun fails to disclose or suggest such functionality by a mobile user device.

For example, while Yun discloses that a reverse link duty cycle may be determined in consideration of the quality of the channel environment, (*see, e.g.*, Yun, col. 11, lines 24-26), Yun fails to disclose any specific approach for determining the quality of the channel environment. More importantly, neither Esteves nor Yun, whether taken alone or in combination, discloses or suggests measuring pilot signal strength to determine the quality level of the entire broadcast channel as now recited in Applicants' claims 1 and 21. As a result, the combination of Esteves and Yun fails to disclose or suggest all the limitations of Applicants' claims 1 and 21, as amended, as is required to establish a *prima facie* case of obviousness.

With respect to claim 22, Applicants have amended said claim to require that the network element be operable to determine whether a parameter relating to broadcast transmission quality has crossed a threshold and, if it has, generate a message instructing a plurality of mobile user devices to start gating reverse link transmissions at a specified gating rate. Neither Esteves nor Yun, whether taken alone or in combination, are directed to analyzing parameters relating to ***broadcast*** transmission quality. Instead, both references are directed to analyzing ***unicast*** transmissions (i.e., transmissions specific to a single mobile device). Additionally, neither reference, whether taken alone or individually, discloses or suggests a network element operable to transmit a message to multiple mobile user devices instructing the mobile user devices to start gating reverse link transmissions at a specified gating rate. Instead, Yun and Esteves disclose individual mobile device messaging relating to unicast communications; whereas, claim 22 is directed to broadcast communications to multiple mobile user devices. As a result, the combination of Esteves and Yun fails to disclose or suggest all the limitations of Applicants' claim 22, as amended, as is required to establish a *prima facie* case of obviousness.

With respect to claim 6, Applicants disagree with the Examiner's conclusion of obviousness because the combination of references fails to disclose a determination of the reverse link gating rate by a mobile user device and further fails to disclose the effectuation of reverse link gating by the specific signaling recited in the claim. In particular, the combination of references fails to disclose or suggest that the mobile device communicates an intent to gate at a determined gating rate to a network control element, receives an acknowledgment from the network control element authorizing the reverse link gating at the determined gating rate, and, responsive to the acknowledgment, transmits reverse link communications at the determined gating rate. Esteves is focused on forward link rate variation, not reverse link rate variation. Yun discloses reverse link gating, but only discloses selection of the gating rate by (a) a direct state transition from a first duty cycle to a second duty cycle according to a set timer value, (b) a transition command from the base station, or (c) a sequential state transition through a series of predetermined duty cycles. (*See, e.g.*, col. 11, lines 16-24.) As a result, the combination of Esteves and Yun does not disclose or suggest the specific recitations of Applicants' claim 6.

Nevertheless, in an effort to move prosecution forward, but not for any reason related to patentability, Applicants have herein amended independent claim 6 to clarify that the mobile user device not only determines the desired gating rate and initiates reverse link gating, but also carries out the reverse link gating by transmitting reverse link communications at the gating rate determined by the mobile device after receiving an acknowledgment of the proposed gating from the network control element. Applicants submit that the combination of Esteves and Yun fails to disclose or suggest such mobile device operation.

Therefore, for the foregoing reasons, Applicants submit that independent claims 1, 6, 21, and 22 are not obvious in view of the combination of Esteves and Yun, and respectfully request that claims 1, 6, 21, and 22 be passed to allowance.

Regarding claims 4-5 and 7-10, such claims are dependent upon claims 1 and 6, which claims have been shown allowable above. Therefore, since claims 4-5 and 7-10 introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants submit that the recitations of claims 4-5 and 7-10 are not obvious in view of the combination of Esteves and Yun, and respectfully request that claims 4-5 and 7-10 be passed to allowance.

Other Amendments to the Claims

5. Applicants have herein amended claims 2, 4-5, 7-10, and 12-20 to correct minor informalities therein, make such claims consistent with amendments made to their respective base claims and/or to claim additional subject matter disclosed in Applicants' specification. Applicants submit that all such amendments are supported by Applicants' originally filed specification and were not made for any reason related to patentability.

Amendments to the Specification

6. Applicants have herein amended paragraphs [0024], [0028], [0033], [0034], and [0037] of the specification to correct minor informalities contained therein. Applicants submit that no new matter has been added by such amendments.

New Claims

7. Applicants have herein added new claims 23-26 directed to additional features of Applicants' invention. Applicants submit that such claims are fully supported by Applicants' originally filed specification and are patentably distinct from the prior art of record. For example, the recitations of claims 23-27 are disclosed at least at Paragraphs [0027] and [0028] of Applicants' published application. Accordingly, Applicants request that the Examiner pass new claims 23-26 to allowance. With the addition of claims 23-26 and the cancellation of claim 3, twenty-five claims remain pending in the present application, seven of which are independent. Applicants had previously paid for examination of twenty-two claims, five of which could be independent. Therefore, Applicants have added two "extra" independent claims and one "extra" dependent claim by virtue of the present amendment. The fee for examination of the three extra

claims is enclosed herewith. If any additional fee is due for examination of the pending claims, please charge such additional filing fee to the undersigned's Deposit Account No. 50-1111 and provide an explanation in the Examiner's next correspondence explaining the basis for such additional fee.

8. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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Appl. No. 10/684,918
RCE Submission dated June 30, 2008
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Annotated Sheet Showing Changes

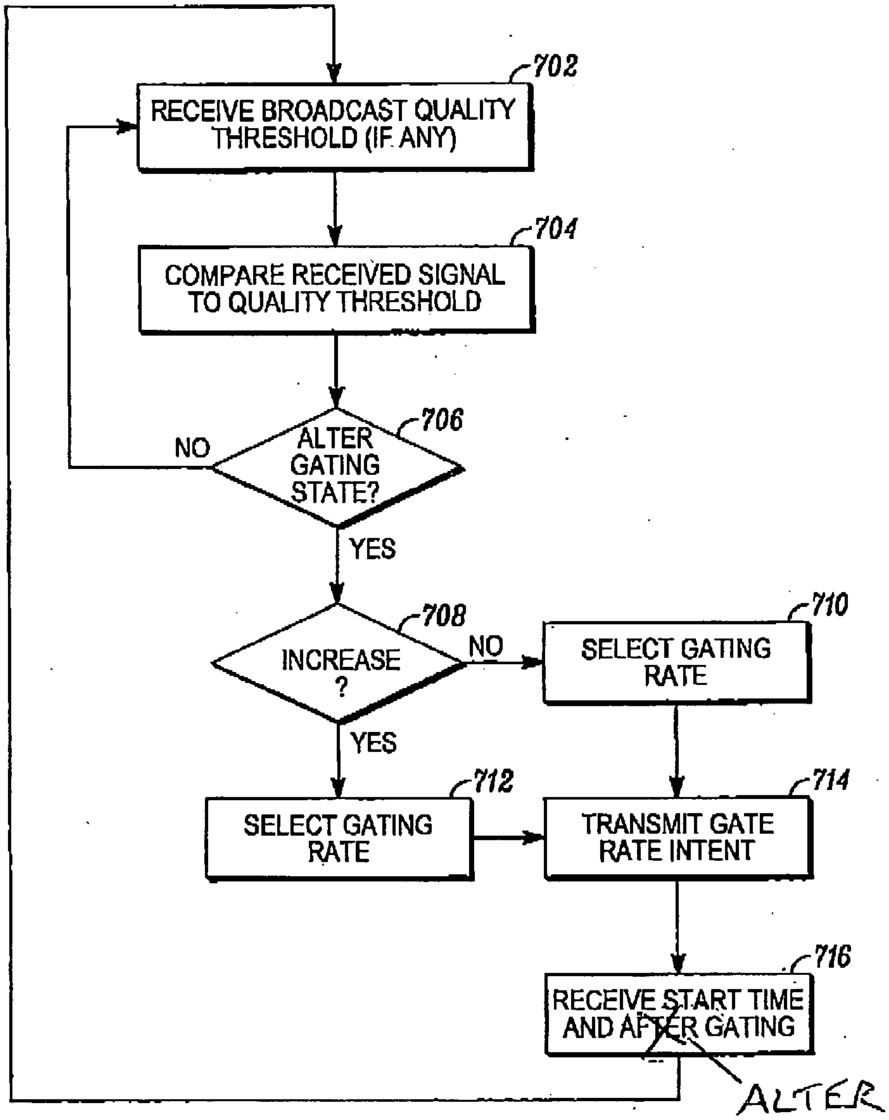
702
RECEIVE BROADCAST QUALITY THRESHOLD (IF ANY)
704
COMPARE RECEIVED SIGNAL TO QUALITY THRESHOLD
706
ALTER GATING STATE?
NO
YES
708
INCREASE ?
NO
YES
710
SELECT GATING RATE
712
SELECT GATING RATE
714
TRANSMIT GATE RATE INTENT
716
RECEIVE START TIME AND ~~AFTER~~ GATING
ALTER

FIG. 7